

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | No. 3:10-MJ-2025 |
| V. |) | (GUYTON) |
| |) | |
| FRANCISCO JAVIER RODRIGUEZ-ZUNIG, |) | |
| |) | |
| Defendant. |) | |

ORDER

This matter came before the undersigned for a preliminary hearing pursuant to Fed. R. Cr. P. 5.1 on April 21, 2010. Edgar Schmutzer, Assistant United States Attorney, was present representing the government, and Kim Tollison was present representing the defendant. The defendant also was present. At the hearing, Special Agent Kirby Styles (“Styles”) of the National Park Service testified as to the motor vehicle collision which occurred on April 15, 2010 in the Great Smokey Mountain National Park; that an occupant in the vehicle was killed; and that the driver of vehicle did not maintain control of the vehicle, resulting in the wreck. Special Agent Styles also testified that certain witnesses identified the defendant as the driver of the vehicle shortly prior to and at the time of the wreck. The Court received photographs of the damaged vehicle, as Collective Exhibit 1.

Based on the testimony and evidence presented at the hearing, the Court finds there is probable cause to believe the charged offense was committed and that it was committed by defendant. In particular, the Court finds there is probable cause to believe that the defendant did operate the subject vehicle, failed to maintain control of the vehicle, and this failure resulted in the

killing of a passenger in the vehicle.

Accordingly, it is **ORDERED** that the defendant Francisco Javier Rodriguez-Zunig is therefore held to answer in the District Court.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge